

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
JUNE 18, 1980

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, June 18, 1980 in the City Hall Council Chambers.

ROLL CALL                      Present:                      Councilmen - McCarty, Murphy, Katnich (Mayor) and Pinkerton

                                 Absent:                      Councilmen - Hughes

                                 Also Present:              City Manager Graves, Assistant City Manager Glenn, Public Works Director Ronsko, Community Development Director Schroeder, City Attorney Stein and City Clerk Reimche.

INVOCATION              The invocation was given by Reverend Robert Mattheis, St. Paul's Lutheran Church.

PLEDGE                      Mayor Katnich led the Pledge of Allegiance to the flag.

MINUTES                      On motion of Councilman Pinkerton, Murphy second, the Minutes of May 21, 1980 were approved as written and mailed.

PRESENTATION BY REPRESENTATIVE OF STOCKTON CONVENTION & VISITORS BUREAU OF S.J. CTY.              A presentation was made by Ms. Bonnie Williams, Director of the Stockton Convention and Visitors Bureaus of San Joaquin County on the recently produced brochure depicting the variety of exciting activities and points of interest in and around San Joaquin County.

PUBLIC HEARINGS              Notice thereof having been published and posted in accordance with law and affidavits of publication and posting being on file in the office of the City Clerk, Mayor Katnich called for the Public Hearing to consider vacating a public utility easement located at 651 North Cherokee Lane, Lodi.

The matter was introduced by Public Works Director Ronsko who presented a diagram of the subject area for Council's perusal. Mr. Ronsko proposed that the abandonment be conditioned that the appropriate westerly portion of the easement be retained as required by the Pacific Telephone and Telegraph Company.

There being no person in the audience wishing to speak on the matter, the public portion of the hearing was closed.

ORDER TO ABANDON EASEMENT AT 651 N. CHEROKEE LN ADOPTED WITH CONDITION              Following discussion, on motion of Councilman Pinkerton, Murphy second, Council adopted an Order to vacate a public service easement located at 651 North Cherokee Lane, Lodi with the condition that the appropriate westerly portion of the easement be retained as required by the Pacific Telephone and Telegraph Company.

PLANNING COMMISSION              Mayor Katnich gave the following report of the Planning Commission meeting of June 9, 1980:

EASEMENT VACATION 651 N. CHEROKEE LN              The Planning Commission-

1) Determined that no public need existed and recommended that the City Council abandon a 10 foot public utility easement at 651 North Cherokee Lane.

ITEMS SET FOR  
PUBLIC HEARING

The Planning Commission also -

a) Certified and recommended to the City Council the Final Environmental Impact Report for Lake Shore Village, a proposed 95.77 acre development on the south side of West Kettleman Lane (State Route 12), west of the Woodbridge Irrigation District right-of-way.

b) Recommended approval of General Plan-Land Use Element Amendment No. GP-LU-80-2 which includes (a) redesignating the southwest corner of Almond Drive and South Cherokee Lane as Medium Density Residential, and (b) redesignating portions of the proposed Lake Shore Village Subdivision which is located on the south side of West Kettleman Lane (State Route 12) west of the Woodbridge Irrigation District right-of-way as Commercial and Medium Density Residential.

c) Recommended approval of the request of Lodi Associates by Robert C. Evans and R. H. Young to rezone the 5.64 acre parcel at the southwest corner of Almond Drive and South Cherokee Lane from U-H, Unclassified Holding to P-D(20), Planned Development District No. 20.

d) Recommended the approval of the request of Grupe Development Company to prezone the area encompassed by Lake Shore Village on the south side of West Kettleman Lane (State Route 12) west of the Woodbridge Irrigation District right-of-way to P-D(21) Planned Development District No. 21 to provide for single-family residential, multiple family residential, office institutional and commercial uses.

On motion of Councilman Pinkerton, McCarty second, items a, b, c, and d, of the Planning Commission report of June 9, 1980 as heretofore set forth were set for Public Hearing on Wednesday, July 16, 1980 at 8:00 p.m.

The Planning Commission also -

ITEMS OF  
INTEREST

1. Approved the request of Hawaii-San Francisco Development Company by John Johnson for a Use Permit to convert the Vintage East and Vintage West Apartments, a 102 unit complex, at 1825 South Church Street, and 1826 South Hutchins Street to condominiums.

2. Approved the request of Rev. Oscar Gross for a Use Permit to allow construction of an addition to the existing River Oaks retirement home located at 311 West Turner Road in an area zoned R-GA, Garden Apartment Residential.

COMMUNICATIONS

PUC  
APPLICATIONS

City Clerk Reimche announced that P. G. & E. Company has given notice in Application No. 59694 before the California Public Utilities Commission of its request for authorization under its Energy Cost Adjustment Clause to decrease, effective August 1, 1980 its electric rates and charges.

ANNEXATION  
RE SECTION 99  
REVENUE AND  
TAXATION  
CODE

City Clerk Reimche read a letter which had been directed to Mr. Gerald Scott, Executive Director, Local Agency Formation Commission from Mr. Gerald A. Sperry, City Attorney of Stockton which is set forth in total as follows:

It has come to my attention that you, in your capacity as executive director of LAFCO, are refusing to properly process annexations occurring within the County of San Joaquin.

June 18, 1980 continued

Specifically, your form letters recite:

"Prior to completion of proceedings, it will be necessary for the affected agencies to agree upon the division of property tax revenues, pursuant to Section 99 of the Revenue and Taxation Code."

Please be advised that Section 99 does not refer to "completion of proceedings". It refers to the "effective date" and subsequent provisions within Section 99 make it clear that annexations are to be fully processed and completed with only the effective date dependent upon property tax division.

Proposition 13, a poorly drafted initiative, created many inequities including property tax division upon annexation. The Legislature, in Section 99 of the Revenue and Taxation Code, has addressed that inequity. Your refusal to complete the annexation proceedings continues that inequity and frustrates the clear intent of the legislature.

DEMAND IS HEREBY MADE that you "complete the proceedings" which will insure that monies impounded by the County Auditor pursuant to said Section 99 will be properly distributed and the intent of the Legislature effected.

LTR. RE IMPROVING City Clerk Reimche read a letter which had been received  
ROUTE 12 BETWEEN from Mr. Phil Raine, Chief, Division of Highways, State of  
RAY ROAD & HAM California, Department of Transportation acknowledging  
LANE receipt of the Council Resolution supporting the improving  
of Route 12 between Ray Road and Ham Lane. The letter advises that because of project cost increases, this project is being reviewed to determine its cost effectiveness and competitiveness for available resources.

COUNCIL RECEIVES The City Clerk presented an invitation addressed to the  
INVITATION FROM Council which had been received from Fred A. Morris, Lt.  
CIVIL AIR PATROL Colonel, CAP, Commander, Yosemite Group 16, California Wing  
Civil Air Patrol, inviting the Council to an organization meeting for individuals wishing to join the new Civil Air Patrol Squadron being formed in Lodi. The meeting will be held at the Lodi Senior Elementary School Cafeteria on June 19, 1980 at 7:30 p.m.

REVERSAL OF Following introduction of the subject by Councilman Pinkerton  
DISCUSSION TO and with the tacit concurrence of the City Council, Council  
ALLOW COLLEGE directed that a resolution be prepared for presentation at  
STUDENTS TO VOTE the Central California Division of the League of California  
AS RESIDENTS OF Cities quarterly dinner to be held in Lodi on July 24, 1980  
THEIR COLLEGES urging that efforts be made to reverse the decision by the  
COMMUNITIES Courts allowing college Students to vote as residents of  
URGED their college communities

LETTER TO BE Following introduction of the subject by Councilman Pinkerton  
SENT TO LEGIS- and with the tacit concurrence of the City Council, Staff was  
LATORS RE EPA directed to prepare a letter to Senator Alan Cranston, Senato  
S.I. Hayakawa and Congressman Norman Shumway asking who runs  
the United State of America or the Environmental Protection  
Agency. Councilman Pinkerton further stated that he feels  
that a big part of the present diminishing economic  
productivity of American is due to this type of bureaucratic  
authority.

CLEAN UP OF At the suggestion of Councilman Murphy and with the tacit  
MATERIALS STORED concurrence of the council, Staff was directed to check into  
AT RAILROAD what can be done to clean up the "eye-sore" of materials  
CLOSURES OF presently being stored at the railroad closures of Walnut  
WALNUT & OAK ST. and Oak Streets (east side).  
URGED

June 18, 1980 continued

REPORTS OF THE CITY MANAGER In accordance with report and recommendation of the City Manager, the following actions, hereby set forth between asterisks, on motion of Councilman Pikerton, Murphy second, were approved.

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CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$2,410,969.81.

ASPHALT MATERIAL SPECS APPROVED COUNCIL APPROVED THE SPECIFICATIONS FOR ASPHALT MATERIAL NEEDED DURING THE FIRST QUARTER OF THE FISCAL YEAR JULY 1, 1980 THROUGH SEPTEMBER 30, 1980 AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON.

ROCK & SAND MATERIAL SPECS APPROVED COUNCIL APPROVED THE SPECIFICATIONS FOR ROCK AND SAND MATERIAL NEEDED DURING THE FISCAL YEAR JULY 1, 1980 THROUGH JUNE 30, 1981 AND AUTHORIZED THE PURCHASING AGENT TO ADVERTISE FOR BIDS THEREON.

CATCH BASIN REPLACEMENT ACCEPTANCE Council was apprised that the improvements in "Catch Basin Replacement - Church & Tokay, Sacramento, and Daisy, Elm & Hutchins, Pine & Rose," which contract had been awarded to Can Do Concrete of Rio Linda on June 6, 1979 has been completed in substantial conformance with the plans and specifications approved by the City Council.

The difference between the contract price of \$18,212.80 and the final price is \$18,765.18 is due to the City requiring concrete backfill and some realignment because of other underground facilities that were in conflict.

COUNCIL ACCEPTED THE IMPROVEMENTS IN "CATCH BASIN REPLACEMENT CHURCH AND TOKAY, SACRAMENTO & DAISY, ELM & HUTCHINS, PINE AND ROSE" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDER'S OFFICE.

Genie Development, Inc., the developer of Vineyard Business Center III, at the request of the City, obtained bids from various contractors for installing median, curb, gutter and sidewalk along Ham Lane. The developer is willing to handle the additional work at the contractor's cost. Staff does not feel that a better rate is available by going to separate bid, and recommends that the City Council authorize the developer to proceed with the work by approving an agreement thereon.

IMPROVEMENT AGREEMENT FOR VINEYARD BUSINESS CENTER III COUNCIL APPROVED THE IMPROVEMENT AGREEMENT FOR VINEYARD BUSINESS CENTER III WITH THE PROVISIONS HERETOFORE SET FORTH, AND AUTHORIZED THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

3-WAY STOPS ESTABLISHED AT HAM LANE & BURGUNDY LANE Council was informed that at the present time only the east one-half of Ham Lane has been constructed between Kettleman Lane and Century Boulevard. With new development to the west of Ham Lane, the street will be constructed to its ultimate width from Kettleman lane to Burgundy Lane (Burgundy Lane is a street which will intersect Ham Lane from the west approximately half-way between Kettleman Lane and Century Boulevard).

The result of this construction is that Ham Lane will carry 4 lanes of traffic from Kettleman Lane to Burgundy Lane and until further developments takes place, only 2 lanes from Burgundy Lane to Century Boulevard. To control traffic at this conversion point, it will be necessary to stop Ham Lane at Burgundy Lane, and Burgundy Lane at Ham Lane. Once Ham Lane is completed to Century Boulevard, the stop signs on Ham Lane will be removed, and the intersection will function in a normal fashion. On recommendation of Staff, Council adopted the following resolution.

RES. NO. 80-80

RESOLUTION NO. 80-80

RESOLUTION ESTABLISHING THE INTERSECTION OF HAM LANE AND BURGUNDY LANE AS A 3-WAY STOP INTERSECTION

ACCEPTANCE  
OF CITY HALL  
LANDSCAPING

Council was apprised that the improvements included in the Contract for "City Hall Landscaping" which had been awarded to J&B Landscaping of Lodi on January 2, 1980 in the amount of \$21,575 has been completed in substantial conformance with the plans and specifications approved by the City Council.

COUNCIL ACCEPTED THE IMPROVEMENTS IN "CITY HALL LANDSCAPING" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION WITH THE COUNTY RECORDERS OFFICE.

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ACTION  
DEFERRED ON  
AGENDA ITEM "G"  
RE ORDINANCE  
AMENDING CITY  
CODE RELATING  
TO OFF-SITE  
IMPROVEMENTS  
& DEDICATIONS

Agenda item "g" - "Ordinance amending City Code relating to Off-Site Improvements and Dedication" was introduced by City Manager Graves. Council discussion followed with questions being directed to the City Staff and to the City Attorney.

With the tacit concurrence of the City Council, action on this matter was deferred to the regular Council meeting of July 2, 1980 to allow Staff additional time to review and submit a proposed ordinance incorporating proposed revisions as suggested by members of the City Council.

REQUEST OF  
SANITARY CITY  
FOR RATE  
INCREASE

Assistant City Manager Glenn reported that in accordance with the City's contract with Sanitary City Disposal Company, Inc. for refuse disposal, the City has received a preliminary budget and proposal for rate increases to be effective July 1, 1980. Sanitary City's request is for a 21% rate increase. Mr. Glenn has met with their representatives to review their figures and before the June 18 meeting will have also met with the City's auditors, Ernst and Whinney, to review their proposal.

Mr. Glenn suggested that two members of the City Council be brought into the discussions before a final report is submitted to the City Council. Mr. Glenn further reported that it is anticipated this report be brought to the Council on July 2, 1980 for Council action for rates to be effective the billing period beginning July 1, 1980.

Mayor Katnich named Councilman Pinkerton and Murphy as the two City Council members to be brought into the discussion as proposed by Mr. Glenn.

PRELIMINARY  
PLANS FOR  
NEW FIREHOUSE  
NO. 2 REVIEWED

Architect Lewis Bishop presented the preliminary plans for the new Firehouse No. 2 and answered questions regarding the proposed structure as were presented by Council.

Public Works Director Ronsko stated that he hoped to bring the Plans and Specifications for this structure to the Council at the July 2, 1980 meeting for approval.

INDUSTRIAL  
WASTE SYSTEM  
ODOR PROBLEMS  
AT WHITE  
SLOUGH TREAT-  
MENT FACILITY

City Manager Graves and Public Works Director Ronsko reported that last year, as indicated in the August 29, 1979 letter from the Regional Water Quality Control Board, a copy of which was provided for Council's perusal, the White Slough Treatment Facility was generating heavy odors that were threatening to violate the Regional Water Quality Control Board requirements. This problem is generated from the high flows and solids discharged into the City's industrial waste system during the peak cannery season.

A proposal dated April 8, 1980 has been received from Black and Veatch which would cover a two part investigation. The first part is a study and recommendation on the existing operation of the industrial wastesystem at White Slough, and the second part establishes the needed pre-treatment requirement for each existing and new industrial user and the preparation of the technical amendment to the existing sewer ordinance as it relates to pre-treatment standards.

The cost of this proposal is \$5,460 to be accomplished on a time and material basis up to that maximum. Staff has evaluated the proposal and feels that it is reasonable and that the work is required. Staff recommends that the additional \$5,500 be allocated to the sewer operating budget, and the majority of this amount be recuperated with the calculations for the fees for industrial waste service fees.

A very lengthy discussion followed with questions being directed to Staff.

On motion Mayor Pro Tempore McCarty, Pinkerton second, City Clerk Reimche was directed to correspond with Frank O. McDermott, Area Engineer, California Regional Water Quality Control Board advising that the City of Lodi will attempt to abate the problems being encountered, pointing out that this is an agricultural community which certainly would be a factor contributing to the problem.

The motion was seconded by Council Pinkerton who suggested that if Mr. McDermott doesn't like the odor, take Highway 99 in the future.

The motion as made by the marker carried by unanimous vote.

On motion of Mayor Pro Tempore McCarty, Katnich second, Council approved retaining the firm of Black and Veatch on a time and material basis to prepare a study establishing the needed pre-treatment requirements for each existing and new industrial user and the preparation of the technical amendment to the existing sewer ordinance as it relates to pre-treatment standards.

RESOLUTION  
GRANTING WAGE  
INCREASES TO  
EMPLOYEES OF  
M&O IBEW  
GENERAL SERVICES

Following introduction of the matter by Assistant City Manager Glenn, Council on motion of Councilman Pinkerton, Murphy second, adopted Resolution No. 80-31 granting, among other things, pay increases to employees of the M&O Unit, IBEW, General Services, Police and Fire Units as follows:

POLICE AND FIRE  
UNITS

Maintenance and Operators Unit

6.25% increase - commencing with the pay period beginning  
7/6/80

General Services Unit

10.5% increase - commencing with the pay period beginning  
7/6/80

I.B.E.W.

10.5% increase - commencing with the pay period beginning  
7/6/80

Police and Fire Units

10.5% increase - commencing with the pay period beginning  
6/23/80

Council further provided for a 5% salary increase to the incumbent holding the position of Equipment Welder/Mechanic.

A new position of Typist Clerk III to be paid 5% less than Stenographer Clerk III was created.

Council further approved the re-titling of the Mechanic position to Mechanic II and established a new position of Mechanic I to be paid 5% less than Mechanic II.

CONTINUED  
BUDGET PRESEN-  
TATION DEFERRED

With the tacit concurrence of the Council continued presentation of the 1980-81 Proposed Budget presentation was deferred.

ORDINANCES

ORD. RESCINDING  
ORD. NO. 322, 472  
AND 460

ORD. NO. 1203  
ADOPTED

Ordinance No. 1203 rescinding Ordinance No. 322, 472, and 460 which in part establishes building setback lines on Kettleman Lane from Cherokee Lane west to the City Limits Line having been introduced at a regular meeting held June 4, 1980 was brought up for passage on motion of Councilman Pinkerton, Murphy second. Second reading was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - McCarty, Murphy, Pinkerton and Katnich

Noes: Councilmen - None

Absent: Councilmen - Hughes

Councilman Pinkerton asked to abstain from discussion and voting on the following matter because of a possible conflict of interest.

ORD. AMENDING  
SPECIFIC PLAN  
FOR FUTURE  
DEVELOPMENT OF  
MYRTLE ST. BE-  
TWEEN E. PINE ST.  
& THE FUTURE  
EXTENSION OF E.  
LODI AVE. WITH  
CONDITIONS

Ordinance No. 1204 amending the Specific Plan for the future development of Myrtle Street between East Pine Street and the future extension of East Lodi Avenue with conditions having been introduced at a regular meeting held June 4, 1980 was brought up for passage on motion of Mayor Katnich, Murphy second. Second reading was omitted after reading by title and the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - McCarty, Murphy, and Katni

ORD. NO. 1204  
ADOPTED

Noes: Councilmen - None

Abstain: Councilmen - Pinkerton

Absent: Councilmen - Hughes

EXECUTIVE  
SESSION

At approximately 9:15 p.m. Council adjourned to executive session. The City Clerk, following her request, was excused from attending the session by Mayor Katnich. Mayor Katnich apprised the public and press that no report will be made by the Council following the executive session. Mayor Katnich then adjourned the meeting to Tuesday, June 24, 1980 at 7:30 p.m. at which time a presentation will be made on N.C.P.A.

ADJOURNMENT

*Alice M. Reimche*  
Attest: ALICE M. REIMCHE  
CITY CLERK